

Patrick Forciea)
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 v.) ORDER
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Fortis Benefits Insurance Company)

Plaintiff, Patrick Forcica, objects to the Report and Recommendation, issued May 22, 2009 [Docket No. 80], by the Honorable Franklin L. Noel, United States Magistrate Judge. The Report recommended granting defendant's motion for summary judgment [Docket No. 62], and denying plaintiff's motion for summary judgment [Docket No. 58]. The Court has considered the parties' subsequent submissions, regardless as to their compliance with the Local Rules.

Based upon a de novo review of the record herein, the Court adopts the Magistrate's Report and Recommendation.

Accordingly, IT IS ORDERED that:

1. Defendant's motion for summary judgment [Docket No. 62] is granted.
2. Plaintiff's motion for summary judgment [Docket No. 58] is denied.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: September 4, 2009

S/JAMES M. ROSENBAUM
JAMES M. ROSENBAUM
United States District Judge